



Atty Docket No. 06556.0003-04
U.S. Serial No. 09/975,241

PATENT
Customer Number 22,852
Attorney Docket No. 06556.0003-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John POLK)
)
Serial No.: 09/975,241) Group Art Unit: 3629
)
Filed: October 12, 2001) Examiner: John Weiss
)
For: METHOD AND APPARATUS)
FOR CHILD SUPPORT)
PAYMENT PROCESSING AND)
CHILD SUPPORT)
DISBURSEMENT)
PROCESSING BY A)
PROCESSING ENTITY)
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JUN 8 2004

GROUP 3600

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF LIONEL M. LAVENUE UNDER 37 C.F.R. § 1.131

1. I am a registered patent attorney and a member of the Bar of the Commonwealth of Virginia and a partner with the firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. ("FHFGD").

2. I helped prepare U.S. Patent Application 08/941,187 ("the '187 application"), filed September 30, 1997, now U.S. Patent No. 5,946,669 ("the '669 patent"), which is a great-grandparent to the present application.

3. I have read the document titled "Declaration of John Polk Under 37 C.F.R. § 1.131" ("Polk Declaration") and attest to its accuracy where it refers to my actions.

4. Further, my actions are recorded on billing records kept in the ordinary course of business while working on the '187 application. These are attached to the Polk Declaration as Exhibits 12, 30, 35, 39, 63, 65, and 66. These Exhibits were reprinted for purposes of this declaration, and contain the name and address of the present owner of the present application and the '669 patent, ACS State & Local Solutions, Inc., instead of the name of the original patent owner, Lockheed Martin Corporation. Based on information and belief, this is because the accounting system used by FHFGD overwrites old names and addresses when new names and addresses are entered into the system.¹ Nevertheless, the billing record entries shown in Exhibits 12, 30, 35, 39, 63, 65, and 66 appear to be true and accurate copies of billing record entries, as redacted for confidentiality, that I recorded when working on the '187 application, and correctly detail the work I performed. Further, my entries appear next to the initials "LML" which are located in the left margins.

5. Based on information and belief, on December 5, 1996, FHFGD received a letter from Mr. John J. Morrissey at Lockheed Martin Corporation, dated December 3, 1996, requesting that FHFGD begin the process of patenting an invention described in an attached description. Based on information and belief, Exhibit 11 to the Polk Declaration is a true and accurate copy of the letter FHFGD received on December 5, 1996. Portions of Exhibit 11 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

6. The matter number assigned to the '187 application was 06556.0003-00000. This number appears on the upper left of each billing record.

7. I began work at FHFGD on January 23, 1997. The 06556.0003-00000 matter was assigned to me and I picked it up and began work on the matter on February 6, 1997, as shown in Exhibit 12 to the Polk Declaration. Prior to this, I worked

¹ Based on information and belief, in March 2001, the '669 patent was assigned from Lockheed Martin Corporation to Lockheed Martin IMS Corporation, which was a division of Lockheed Martin Corporation. The assignment was recorded in the U.S. Patent and Trademark Office in April 2001. Based on information and belief, in September 2001, Lockheed Martin IMS Corporation changed its name to ACS State & Local Solutions, Inc. The name change was recorded in October 2001.

only on unrelated matters that were received into the firm before the 06556.0003-00000 matter. Accordingly, I took up this matter in chronological order, and in the order I received it.

8. In addition to performing the work described in Exhibits 12, 30, 35, 39, 63, 65, and 66 to the Polk Declaration, on April 10, 1997, I prepared and sent a letter with a memorandum to Mr. Polk requesting that he review it to confirm that it accurately described his invention. Exhibit 32 to the Polk Declaration is a true and accurate copy of the letter I sent on April 10, 1997. In my opinion, portions of the letter, along with the memorandum itself, are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product. Therefore, those portions have been redacted.

9. On April 11, 1997, I prepared and sent a letter to the firm of Hoffman, Wasson & Gitler, P.C. requesting that a patent search be performed. Exhibit 33 to the Polk Declaration is a true and accurate copy of the letter I sent on April 11, 1997. Portions of Exhibit 33 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

10. On or around April 30, 1997, I received a letter from Mr. Wasson of Hoffman, Watson & Gitler, P.C. with results of the patent search. Exhibit 34 to the Polk Declaration is a true and accurate copy of the letter I received on or around April 30, 1997. Portions of Exhibit 34 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

11. On May 8, 1997, I prepared and sent a letter to Mr. Polk forwarding the patents found in the patent search. Exhibit 36 to the Polk Declaration is a true and accurate copy of the letter I sent on May 8, 1997. Portions of Exhibit 36 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

12. On June 19, 1997, I prepared and sent a letter to Mr. Polk forwarding a memorandum and diagrams describing the invention. Exhibit 40 to the Polk Declaration is a true and accurate copy of the letter I sent on June 19, 1997. Portions of Exhibit 40 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

13. On September 12, 1997, I prepared and sent a letter to Mr. Polk forwarding a draft patent application with drawings for his review. Exhibit 67 to the Polk Declaration is a true and accurate copy of the letter I sent on September 12, 1997. Portions of Exhibit 67 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

14. On September 23, 1997, I prepared and sent a letter to Mr. Polk forwarding a final version of the patent application. Exhibit 68 to the Polk Declaration is a true and accurate copy of the letter I sent on September 23, 1997. Portions of Exhibit 68 have been redacted because, in my opinion, they are irrelevant to this submission, are attorney-client privileged, and/or contain attorney work product.

15. Based on information and belief, U.S. Patent Application No. 08/941,187, entitled "Method and Apparatus for Payment Processing Using Debit-based Electronic Funds Transfer and Disbursement Processing Using Addendum-based Electronic Data Interchange," now U.S. Patent No. 5,946,669, the great-grandparent of the present application, was filed on Tuesday, September 30, 1997.

16. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: June 2, 2004

By: _____


Lionel M. Lavenue